

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing(s) and Regular Meeting
March 6, 2017**

MINUTES

Members Present: Mayor Robert Forrester, Mayor Pro-Tem Carol Scott, Councilman Peter Larkin, Councilman Mark Benton, Councilman John Corbett and Councilman Rich Cerrato

Members absent: None

Attorney & Staff Present: Susan Parker, Town Administrator; Grady Richardson, Town Attorney; Bonita Bray, Finance Director; Kevin Dempsey, Fire Chief; Dustin Graham, Public Works Director; Joe Smith, Interim Police Chief; Wes MacLeod, Planning Consultant (Cape Fear Council of Governments); Cindi Stephenson, Administrative Assistant; and Lisa Anglin, Town Clerk

Mayor Forrester called the Meeting to order at 6:00 pm.

Closed Session

MAYOR PRO-TEM SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING PENDING LITIGATIONS CONCERNING JAGUAR'S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND AND TO DISCUSS A PERSONNEL MATTER. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN LARKIN MADE A MOTION TO RETURN TO OPEN SESSION AND RECONVENE MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Work Session

Mayor Forrester called for agenda amendments and general discussions by the Council.

Draft Agenda Review

The Council reviewed the agenda and made the following amendments:

- Old Business 9h - Consideration of Approval of Anticipated Legal Settlement
- New Business 10e - Direction to Add FEMA Flood Map Process Resolution -03/21/17
- New Business 10f - Consideration of ERC Request to make PowerPoint Presentation at Council Meeting

Mayor and Council Comments/Discussions

Councilman Larkin advised that NCDOT is on schedule to complete the last phase of the I-140 bypass from Leland to I-40. Councilman Larkin advised that the Carolina Bays Parkway Extension project was discussed during the GSATS TAC Meeting held on March 2nd including the proposed routes and the proposed Carolina Shores Resolution opposing the routes. It was determined that a route has not been selected as of yet and a Resolution is not needed at this time. Councilman Larkin announced that

Mayor and Council Comments/Discussions (Cont.)

GSATS has awarded a \$100,000 grant to the Town of Sunset Beach for the Main Street Sidewalk Project and thanked Susan Parker for finding, applying for and receiving the grant funding on behalf of the Town.

Councilman Corbett advised that following the TAC Meeting, the TCC met with the National Parks Service to discuss the East Coast Greenway Alliance Initiative to connect people and places, Maine to Florida. Additional information is forthcoming.

Monthly Meeting

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

Approval of the Draft Agenda

COUNCILMAN BENTON MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Hearings

Riverside Drive Property Rezoning and Zoning Map Amendment

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING CONCERNING THE RIVERSIDE DRIVE PROPERTY REZONING AND ZONING MAP AMENDMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

- Sam and Kathleen Chinnis 426 Marlin Street – Voiced surprise that development is allowed on the Riverside Drive Subdivision property and questioned the criteria for rezoning preservation land into developable land. The Council advised that the land has always been developable land and the proposed rezoning is to correct an error that exist with multiple zones being applied to the same property.

COUNCILMAN CERRATO MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Gateway Corridor Property Rezoning and Zoning Map Amendment

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING CONCERNING THE GATEWAY CORRIDOR PROPERTY REZONING AND ZONING MAP AMENDMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

- Kathleen Upton 1072 Emerillon Court – Questioned if the Town is considering to widen Highway 904. The Council advised Highway 904 is a State Road not a Town Road. Ms. Upton questioned the cross-access lane between properties section. The Council stated this doesn't affect neighborhoods. Ms. Upton questioned the pedestrian sidewalk requirement. The Council advised it only applies to structures that face the highway.
- Linda Ruddick 1008 Park Road – Questioned if her property would be affected. The Council responded single family is exempt.

Public Hearings

Gateway Corridor Property Rezoning and Zoning Map Amendment (Cont.)

- Forest Taylor Commercial Developer – Questioned if the improvement renovations of 50% or more to require compliance with the ordinance was interior or exterior. The Council advised it could be either as the 50% rule applies to the value.

MAYOR PRO-TEM SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Proposed Ordinance Amendment for Article 2 Section 2.20 Maintenance of Docks, Piers & Bulkheads to Remove, Replace and Add Language

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING CONCERNING THE PROPOSED ORDINANCE AMENDMENT FOR ARTICLE 2 SECTION 2.20 MAINTENANCE OF DOCKS, PIERS AND BULKHEADS TO REMOVE, REPLACE AND ADD LANGUAGE. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

No Comments heard.

COUNCILMAN CERRATO MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Proposed Ordinance Amendment for Article 13 Subdivision Regulations to Remove, Replace and Add Language Requiring Completion of Infrastructure Construction Prior to Final Plat Approval to Section 13.01 Preliminary Plat, Section 13.02 Final Plat, Section 13.03 Guarantee of Improvements, Section 13.08 Required Improvements and Minimum Standards of Design for Subdivisions and Section 13.19 Final Development Plan

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING CONCERNING THE PROPOSED ORDINANCE AMENDMENT FOR ARTICLE 13 SUBDIVISION REGULATIONS TO REMOVE, REPLACE AND ADD LANGUAGE REQUIRING COMPLETION OF INFRASTRUCTURE CONSTRUCTION PRIOR TO FINAL PLAT APPROVAL TO SECTIONS 13.01, 13.02, 13.03, 13.08 AND 13.19. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

No comments heard.

COUNCILMAN CERRATO MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Approval of Minutes

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE JANUARY 9, 2017 AND JANUARY 17, 2017 REGULAR MEETING MINUTES AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments on Agenda Items Only

No comments heard.

Town Administrator Report

Annual Report – Susan Parker, Town Administrator, advised that she is drafting the Annual Report and requested Council to submit topics.

Department Head Budget Discussions – Parker advised that Department Head Budget discussions begin this week in preparation of the upcoming budget.

Eagle Scout Project – Parker advised that the Town has been contacted by an Eagle Scout and we are assisting with determining a beautification project he can complete.

UDO Administrator and Police Chief Appointments

Parker introduced Hiram Marziano as the new Planning Director that will begin working with the Town on March 9, 2017. Parker thanked Wes MacLeod and Allen Serkin, Cape Fear Council of Governments for their assistance with the recruitment process for the Planning Director.

Mayor Forrester announced that Kenneth Klamar has been hired as the new Police Chief. Chief Klamar will begin working with the Town on April 20, 2017. Mayor Forrester thanked the local law enforcement officers that participated with the interview panel. The Council thanked Interim Police Chief Joe Smith for his leadership during this transitional period.

COUNCILMAN CORBETT MADE A MOTION TO APPOINT HIRAM MARZIANO AS THE PLANNING DIRECTOR AND KENNETH KLAMAR AS THE POLICE CHIEF. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Departmental Reports

Police – Interim Police Chief Smith advised that the patrol units are still working on traffic issues such as speeding and the detectives are working on recent breaking and entering cases. The Council thanked Smith for his leadership during the transition period and his continued service to the Town.

Public Works – Dustin Graham, Public Works Director, advised that Staff is widening the floating dock ramp and repairing the dock walkway. Graham announced that Carolina Creations will begin construction of the Covered Seating area this week. Graham advised that Staff will be replacing two (2) stormwater pipes under Magnolia, between Japonica and Kirkwood, beginning March 27th.

Planning & Inspections – Wes MacLeod, Planner Consultant, advised the Council that the Planning Board is currently reviewing the procedures for tree removal, a text amendment for the MB-1 Zoning District, non-residential fencing standards, and walk up/carry-out restaurants including parking requirements. MacLeod advised that he will continue to work with Hiram Marziano, new Planner. The Council thanked Wes for his Planner Consultant service to the Town during the transition period.

Fire – Chief Dempsey advised that Municipal and County Fire Department Chiefs and County Representatives reached an agreement today to request the Brunswick County Board of Commissioners to forward a request for local legislation to amend the Brunswick County Fire Protection Fees to

increase up to double of the current fees. Dempsey advised that the roof repairs at Station 2 will be completed soon. Dempsey

Departmental Reports (Cont.)

Fire (Cont.)

advised that training on the beach and in the waters will begin soon in preparation for the summer season. Dempsey advised that draft ordinances concerning grilling and pine straw will be submitted for Council consideration during the March 21st Meeting.

Finance – Bonnie Bray, Finance Director, reviewed the January 2017 Finance Statement with the Council. Bray has submitted the request for PARTF reimbursement and the Town has received a check in excess of \$300,000. Bray also submitted multiple years of sales tax refund reports and has received several refund checks to date. Bray has received the draft 2015/2016 audit and will be reviewing it this week. The Auditor will present the Audit to the Council during the March 21, 2017 Meeting.

Old Business

Consideration of Approval of Budget Amendment for Fire Truck Debt Service

Bonnie Bray explained the Budget Amendment is needed to recognize the funds received from the sales of the fire truck being replaced.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE BUDGET AMENDMENT FOR THE FIRE TRUCK DEBT SERVICE. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of Budget Amendment for Fund Balance Appropriation for Hurricane Matthew Expenditures While Awaiting FEMA Reimbursement

Bonnie Bray explained that the Budget Amendment is necessary to appropriate the Hurricane Matthew expenditures while awaiting FEMA reimbursement.

COUNCILMAN CORBETT MADE A MOTION TO APPROVE THE BUDGET AMENDMENT APPROPRIATING FUND BALANCE FOR THE HURRICANE MATTHEW EXPENDITURES. MAYOR FORRESTER CALLED VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Appointment of the Board of Adjustment Members with Term Expirations of 2020

Councilman Larkin advised that the Council interviewed the three (3) applicants for the regular and alternate positions that will be available in April. Councilman Larkin advised that the ETJ member and alternate ETJ member positions remain vacant and no applications were received. Councilman Larkin requested Council to consider re-advertising for all positions and to request assistance from the Brunswick County Commissioners with filling the ETJ vacancies. The deadline to apply will be April 3rd and the Council will make the appointments during the April 18th Meeting. The Board thanked the three (3) applicants for their interest in serving on the Board of Adjustment and advised that they are still being considered.

COUNCILMAN LARKIN MADE A MOTION TO READVERTISE THE BOARD OF ADJUSTMENT POSITIONS. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business (Cont.)

Consideration of Adoption of Ordinance Amendment for Article 2 Section 2.20 Maintenance of Docks, Piers and Bulkheads to Remove, Replace and Add Language

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 2 SECTION 2.20 MAINTENANCE OF DOCKS, PIERS AND BULKHEADS AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Proposed Ordinance Amendment for Article 13 Subdivision Regulations to Remove, Replace and Add Language Requiring Completion of Infrastructure Construction Prior to Final Plat Approval to Section 13.01 Preliminary Plat, Section 13.02 Final Plat, Section 13.03 Guarantee of Improvements, Section 13.08 Required Improvements and Minimum Standards of Design for Subdivisions and Section 13.19 Final Development Plan

Councilman Larkin questioned the bond release prior to the installation of the final roadway asphalt and minor landscaping. The Council held a brief discussion and reached a consensus to adopt the ordinance as amended and requested Attorney Richardson to review the Ordinance to ensure it protects the Town and if not to suggest additional amendments.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 13 SUBDIVISIONS REGULATIONS SECTIONS 13.01, 13.02, 13.03, 13.08 AND 13.19 AS PRESENTED AND REQUESTED ATTORNEY RICHARDSON TO REVIEW TO DETERMINE IF FURTHER AMENDMENTS WERE NEEDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Gateway Corridor Property Rezoning and Adoption of the Zoning Map Amendment

Tom Vincenz, Planning Board Chairman, advised that the Board has received several comments and suggestions concerning the Gateway Corridor Overlay District text and that the Board is reviewing for possible amendments.

COUNCLMAN LARKIN MADE A MOTION TO APPROVE THE GATEWAY CORRIDOR PROPERTY REZONING AND TO ADOPT THE ZONING MAP AMENDMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Riverside Drive Property Rezoning and Adoption of the Zoning Map Amendment

COUNCILMAN CORBETT MADE A MOTION TO APPROVE THE RIVERSIDE DRIVE PROPERTY REZONING AND TO ADOPT THE ZONING MAP AMENDMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of Anticipated Legal Settlement

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN AND THE FOLLOWING PROPERTY OWNERS WITHIN THE RIVERSIDE DRIVE SUBDIVISION: OCEAN CLUB ESTATES PROPERTY OWNERS ASSOCIATION, INC, SUNSET BEACH HOLDINGS II LLC, JANE DEAN, LLC, BIG PINE

HOLDINGS, LLC, CHARLES AND DANA REED, RICK AND BARBARA HARTLANDER, SEAN AND LORIE ST. CYR, JAMES WALKER AND SHIRLEY SIMS, MICHAEL AND KIMBERLY

Old Business (Cont.)

Consideration of Approval of Anticipated Legal Settlement (Cont.)

MOORE, VENKATESWARAN VISWANATHAN AND PADMAPRIYA RAMASWAMY, VINCENT AND KAREN BARILLA, MICHAEL AND KELLY FARASY, DARLENE MARCKISOTTO; AND TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN AND SUNSET BEACH & TWIN LAKES, INC., SUNSET BEACH WEST LLC, DINAH E. GORE, THE ESTATE OF EDWARD M. GORE, SR, GREGORY GORE AND SUNSET BEACH REALTY & MANAGEMENT, INC. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Consideration of Adoption of Concurring Ordinance with NCDOT Concerning Forest Drive Speed Limit

COUNCILMAN BENTON MADE A MOTION TO ADOPT THE CONCURRING ORDINANCE WITH NCDOT CONCERNING THE SPEED LIMIT REDUCTION ON FOREST DRIVE. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of the Resolution Supporting the Per Capita Method for Distribution of Sales and Tax

COUNCILMAN CERRATO MADE A MOTION TO ADOPT THE RESOLUTION SUPPORTING THE PER CAPITA METHOD FOR DISTRIBUTION OF SALES AND USE TAX. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Resolution Concerning the Brunswick County Greenway, Bike Routes, and Paddle Trail Plan

Councilman Larkin informed the Council of the County-wide greenway, Bikeway and Paddle Trail Plan Project which identifies existing routes and proposes new routes in an effort to link communities together. The Plan will act as a tool to promote trails throughout Brunswick County. Councilman Larkin worked with Brunswick County to ensure that the paddle accesses, walking trails and bike paths within Sunset Beach are so noted on the maps.

COUNCILMAN LARKIN MADE A MOTION TO APPROVE THE RESOLUTION CONCERNING THE BRUNSWICK COUNTY GREENWAY, BIKE ROUTES AND PADDLE TRAIL PLAN. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for March 21, 2017 Meeting

The Council reviewed the Disposition of Directives for the March 21, 2017 Meeting.

Direction to Add FEMA Flood Map Process Resolution to March 21, 2017 Meeting Agenda

The Council briefly reviewed a Resolution recently adopted by the Town of Holden Beach concerning the FEMA Flood Map Process and requested Staff to prepare a similar Resolution to be considered by Council during the March 21, 2017 Meeting.

Consideration of ERC Request to make PowerPoint Presentation at Council Meeting

The Council received a request from the Environmental Resources Committee (ERC) for permission to present a PowerPoint Presentation at a Council Meeting.

New Business (Cont.)

Consideration of ERC Request to make PowerPoint Presentation at Council Meeting(Cont.)

COUNCILMAN LARKIN MADE A MOTION TO ADD THE ERC POWERPOINT PRESENTATION TO THE APRIL 3, 2017 MEETING AGENDA. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTED YES. MAYOR PRO-TEM SCOTT, COUNCILMAN LARKIN AND COUNCILMAN CORBETT VOTED NO. THE MOTION FAILED.

Public Comments

Charles Nern 647 Oyster Bay Drive – Questioned the location of Ocean Club Estates and Sunset Crest; Mayor Forrester advise that Ocean Club Estates is the Riverside Drive Subdivision and Sunset Crest is the vacant land on the corner of Sunset Blvd. South and North Shore Drive West. Mr. Nern congratulated Susan Parker for securing the sidewalk grant and the Public Works Department Staff for their great job removing the leaf and limb debris from the Town.

Adjournment

COUNCILMAN CERRATO MADE A MOTION TO ADJOURN THE MARCH 6, 2017 COUNCIL MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Robert Forrester, Mayor

Submitted by:

Lisa Anglin, Town Clerk